

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13148 OF 1997

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DATED: 03-04-2007

Between:

D. Rama Lingam

.. Petitioner

and

State Bank of India represented by its
Managing Director, Madam Kama Road,
Bombay and others.

.. Respondents

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ORDER:

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This writ petition is filed seeking a mandamus directing the respondents to extend accelerated promotion to the petitioner by converting him into Computers Specialist, in the light of his qualifications and experience and in terms of the personnel policy of the respondent-bank, with effect from the date on which the Data Processing Centre had been upgraded resulting in availability of vacancies.

It is the case of the petitioner that he joined in the State Bank of India as a clerk-cum-typist with effect from 31.05.1978. He did M.Sc. in Mathematics with Computer Science and also M.Phil in the said subject, in which the topic of dissertation was "A Study of Data Base Management Systems for Banking Applications". He won the best invention award for his compilation of an interest reckoner, which simplifies interest calculating process in Banking. The said book was reviewed by Indian Banks Association, a Premier Organization of Banking as "A step forward to better customer service, a useful book to bankers and its customers alike". The said work was also appreciated by all the organizations and the press as well as the respondent bank. Consequent upon automation, the respondent bank decided to introduce computerization at various levels and, having entertained a report of the task force, evolved a personnel policy identifying three ways to introduce job enrichment of the officers and clerical cadre by introducing them to computers in a phased manner by imparting them necessary training. The said policy directs the bank to bestow serious consideration to the case of computer professionals working in clerical cadre of the bank for accelerated career path, in line with trainee officers in general banking cadre. The Chief General manager of the bank issued a circular, dated 29.02.1996, inviting applications from the

employees for conversion from general cadre to specialist cadre (computers). Pursuant to the same, the petitioner made a representation, dated 09.03.1996, to the Assistant General Manager, who forwarded the same to Personnel Department of Local Head Office along with the Bio-data of the petitioner. But, the respondents are undertaking the conversion of only officers cadre even without there being any minimum qualifications that are made essential by the Government of India to hold the posts in technical cadre (specialist), ignoring the cases of those who have all the qualifications for being converted into the specialist cadre, like the petitioner. When certain posts were advertised at officer level, the application of the petitioner for open recruitment by the Central Recruitment Board remained unconsidered and the respondent bank expressed its helplessness to interfere in the issue and for pursuing the matter with Central Recruitment Board. Thus, the petitioner was denied of a fair chance and equal opportunity for gainful employment in Specialist Cadre (Computers), when the post was filled both directly and internally, during all these years. Aggrieved by the same, the petitioner filed this writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that the circular referred to by the petitioner, dated 29.02.1996, was issued for conversion of existing officers from General Category to Specialist Category (Computers). The said circular does not apply to the petitioner, who is a clerical cadre employee, and it has no relevance to the case of the petitioner. As per the policy, the respondent bank has permitted the petitioner three times, up to the year 1987, to appear for the test for promotion to the post of Programmer-cum-Operator, but he was not qualified in the same. Since the petitioner has already availed maximum number of chances, he is disentitled for further promotion

test. The fact that the petitioner is working in Data Processing Centre as Clerk-cum-Typist will not automatically entitle him for promotion to Specialist Category post, without coming out successful in the prescribed test as per promotion policy. Further, when the petitioner made an application in the year 1991 to the Central Recruitment Board for recruitment of Systems Manager (Project Leader) in the State Bank of India, the Central Recruitment Board, vide its letter dated 16.09.1991, categorically advised him that the candidates, who fulfilled the prescribed eligibility criteria, were short listed by a Screening Committee constituted for the purpose and his name was not in the said list of candidates short listed for being interviewed. There is no accelerated promotion policy for the bank as contended by the petitioner. The writ petition is liable to be dismissed.

Heard both sides.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material available on record.

As per the policy adopted by the bank, the petitioner was permitted to appear for the test for promotion to the post of Programmer-cum-Operator thrice. But, he failed to come out successful in the said tests. Therefore, he cannot blame the respondent bank for not converting him into Computers Specialist. Further, as per the policy of the bank, the officers are only being converted into specialist category, but not the clerical staff like the petitioner. When an open recruitment had taken place, though the petitioner applied, the Screening Committee had categorically rejected the case of the petitioner stating that he is not entitled to appear for the interview to the said post since he does not fulfill the prescribed

eligibility criteria. Therefore, it cannot be said that the petitioner is entitled for accelerated promotion by way of conversion into Computers Specialist, in the light of his qualifications and experience. He has no right whatsoever to claim the said promotion and the relief as sought for in this writ petition cannot be granted. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

C.V. RAMULU, J

3rd April, 2007.
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